

**STATE OF MINNESOTA**  
**COUNTY OF BECKER**

**DISTRICT COURT**  
**Employment**  
**SEVENTH JUDICIAL DISTRICT**

Margaret Campbell,  
Plaintiff,  
vs.

Court File No. 03-CV-19-266

Honor the Earth,  
Defendant.

**AFFIDAVIT OF DEFENDANT'S  
COUNSEL**

- 
1. My name is Frank Bibeau. I am an attorney licensed to practice in the State of Minnesota.
  2. I represent Honor the Earth in the above-captioned matter and I represented Honor the Earth during the investigation by the Minnesota Department of Human Rights (MDHR) into Ms. Campbell's allegations and charges.
  3. I have personal knowledge of all matters stated in this Affidavit.
  4. The Minnesota Department of Human Rights (MDHR) did issue its final Campbell Order on November 30, 2018. In its Order, the MDHR noted that, "the investigation file reveals that respondent [Honor the Earth] was uncooperative throughout the investigation. It produced no witnesses or documentation in response to the charge or the subsequent information request, and insisted that the department lacked jurisdiction over it." (See also *Aff. of Christy L. Hall in Support of Plaintiff's Motion to Compel Discovery* at #3.)
  5. The same November 30, 2018, MDHR Commissioner's Order's opening paragraph declares "Having duly considered the arguments made by [Campbell] the charging party in her appeal of the prior NO PROBABLE CAUSE determination made in the above-referenced charge, I hereby affirm the prior

determination, pursuant to Minnesota Statutes, §363A.28, subd. 6(c). (See Exhibit A, *Order* of dismissal from Minnesota Department of Human Rights Commissioner Honorable Kevin Lindsey dated Nov. 30, 2018, page 1)(Emphasis in original).

6. The day before Plaintiff's attorney filed her *motion to compel* Aug. 15, 2019, Ms. Hall wrote to undersigned counsel asserting that she has spent over 100 hours so far on discovery issues, and in her most recent fee petition, approximately one year ago, she was approved for an hourly billing rate of \$350, that her rate increases every year, and that she has no desire to bankrupt an organization such as Honor the Earth. (See Exhibit B, letter from Christy L. Hall dated Aug. 14, 2019).
7. Plaintiff e-served first set of discovery requests on Defendant Honor the Earth, on June 3, 2019, approximately one month after Defendant's motion to dismiss hearing, May 8, 2019, for lack of subject matter jurisdiction; and a month before the now appealed order dated July 2, 2019, was issued by the District Court. (See *Hall Aff.* at #5.)
8. I declare under penalty of perjury that everything I have stated in this document is, to the best of my knowledge and belief, true and correct.

Executed on September 10, 2019, in Itasca County, Minnesota.

/s/ Frank Bibeau  
Frank Bibeau (Mn# 306460)